

Commentary; New Flood Control Rules Muddy the Local Waters

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Abstract:

Maywood has a general fund budget of about \$6 million. What part of law enforcement in Maywood does the regional board consider appropriate to cut in order to police storm drains?

Five years ago, when the small cities of the southeast area of the county were faced with the catastrophic failure of the local flood control system, everyone--the county Public Works Department, the cities, federal agencies and skeptical environmental organizations-- sat down (after initial conflict) to work out solutions that restored flood protection and began the environmental revival of the wastelands along the river's edge.

The state water board should halt the imposition of the regional board's storm water tax and assert its leadership by joining with the cities, the county and the environmental community in a collaborative review of realistic, scientifically sound and environmentally just goals for storm water quality.

Full Text:

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Neither good science nor good technology exists today to test for or remove all the possible contaminants flowing into the county- operated flood control system from lawn watering and cars driving on city streets. Yet cities throughout Los Angeles County are about to be hit with a "storm water tax" of up to \$53 billion over the next 10 years to attempt what may be impossible--to make the waters of the Los Angeles River fishable, swimmable and potentially drinkable.

But should they be?

What if the cost means less money for parks, police, housing and community services?

What if the cost of turning the Los Angeles River into a mountain stream means severely degrading the quality of life in the small cities along the river's banks?

Neither the voters nor their elected city and county representatives had the opportunity to have those questions answered because the nine members of the Los Angeles Regional Water Quality Control Board, all appointed by the governor, decided that these questions don't matter.

The board unanimously adopted in December a revised storm water permit for most of the county's 84 cities that contains 44 new quality standards.

Meeting just one of them--a "total maximum daily load" for trash in the flood control channel of "zero" by 2012--will cost county taxpayers an estimated \$1 billion.

The cost for meeting this standard--and all the others--will be covered by new city fees and user charges for property owners or will be taken from municipal funds needed to maintain streets, pay for police or keep community centers open.

Some of the hardest-pressed cities in the state must remake their budgets to become the Los Angeles regional board's enforcement arm.

Maywood has a general fund budget of about \$6 million. What part of law enforcement in Maywood does the regional board consider appropriate to cut in order to police storm drains?

In Bell Gardens, enforcement efforts would be equal to 100% of the city's recreation budget. In

Huntington Park, it's at least 75%.

Even worse, these cities face a grinding round of citizen lawsuits under the federal Clean Water Act and fines of up to \$27,500 a day if they fail to comply with the board's mandates.

Cities and the county can be sued even if they make good-faith efforts to clean up storm water or if the experimental technologies they use don't work.

These costs didn't impress the members of the Los Angeles regional board.

One member waved off concerns, saying cities would find the money somehow.

In response to such indifference, the county, the city of Los Angeles and most of the county's other cities have appealed the regional board's storm water permit to the State Water Resources Control Board. It may be too late, however, to rescue workable storm water regulation from a future of unnecessary conflict and the expense of the inevitable court cases.

All this could have been avoided.

We already have a model for negotiating environmental goals into the operation of the flood control system.

Five years ago, when the small cities of the southeast area of the county were faced with the catastrophic failure of the local flood control system, everyone--the county Public Works Department, the cities, federal agencies and skeptical environmental organizations-- sat down (after initial conflict) to work out solutions that restored flood protection and began the environmental revival of the wastelands along the river's edge.

With realistic goals, everyone at the table became an advocate for both the efficient operation of the flood control system and the riverside environment.

The open space and recreation projects that came out of this process are an integral part of the \$100-million, state-funded revitalization of the entire Los Angeles River.

The give and take of negotiation won't satisfy environmental absolutists, who are intolerant of less-than-perfect solutions, but the State Water Resources Control Board should at least try.

The state water board should halt the imposition of the regional board's storm water tax and assert its leadership by joining with the cities, the county and the environmental community in a collaborative review of realistic, scientifically sound and environmentally just goals for storm water quality.

Credit: D.J. Waldie is a city official in Lakewood, where he lives. His most recent book is "Real City: Downtown Los Angeles Inside/Out" (Angel City Press, 2001), in collaboration with Marissa Roth.

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